United Nations A/AC.109/2016/SR.3

General Assembly

Distr.: General
11 July 2016

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 3rd meeting
Held at Headquarters, New York, on Monday, 13 June 2016, at 3 p.m.

Chair: Mr. Ramírez Carreño ..... (Bolivarian Republic of Venezuela)

Contents

Adoption of the agenda

Organization of work

Requests for hearing

Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations

Dissemination of information on decolonization

Question of sending visiting missions to Territories

Question of Gibraltar

Hearing of representatives of the Non-Self-Governing Territory

Hearing of petitioners

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent as soon as possible to the Chief of the Documents Control Unit (srcorrections@un.org).

Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org/).

16-09851 (E)

Please recycle

The meeting was called to order at 3.30 p.m.

Adoption of the agenda

1. The agenda was adopted.

Organization of work (A/AC.109/2016/L.2)

2. The Chair drew attention to the programme of work (A/AC.109/2016/L.2) and the updated version circulated. He reminded the Committee that the delegations of Algeria, Angola, Argentina, Costa Rica, Ghana, Guatemala, Morocco, Palau, Panama, Solomon Islands, South Africa, Spain, Sri Lanka, Uruguay and the Holy See had indicated their wish to participate in the work of the Committee as observers. In addition, the delegation of El Salvador had requested to participate as an observer.

3. In General Assembly resolution 70/231 and previous resolutions, the Committee had been requested to observe annually the Week of Solidarity with the Peoples of Non-Self-Governing Territories. For the first time in over 20 years the Committee would be able to implement that key aspect of its collective mandate by showing solidarity with those deprived of their independence and territorial integrity. Solidarity meant providing support and assistance to the people of those Territories in their struggle to live their lives free from the control and domination of other countries and peoples, and the Week of Solidarity underlined the collective commitment of the Committee to put an end to the shame of colonialism around the world.

4. To observe the Week of Solidarity, the Committee had worked with the Bureau and the Secretariat to prepare a programme of meaningful activities to be held at Headquarters over a two-week period. The events included an exhibition, a series of panels on different aspects of decolonization and musical performances on the theme of decolonization. However, he stressed that, in reality, every week should be a week of solidarity for the Committee, given that it was the United Nations body devoted to the singular consideration of how to eradicate colonialism in all its aspects.

Requests for hearing (Aides-memoires 01/16, 02/16, 03/16, 04/16 and 05/16)

5. **The Chair** drew attention to aides-memoires 01/16, 02/16, 03/16, 04/16 and 05/16 relating to the Special Committee decision concerning Puerto Rico and to the Questions of Gibraltar, the Falkland Islands (Malvinas), French Polynesia and Western Sahara. The Committee had received a substantial number of requests for hearing concerning Puerto Rico, and he took it that the Committee wished to accede to those requests.

6. *It was so decided.*

Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (A/71/68 and A/AC.109/2016/L.3)

7. **The Chair** drew attention to the report of the Secretary-General pertaining to the transmittal of information from the administering Powers called for under Article 73 *e* of the Charter of the United Nations (A/71/68).

8. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that, according to General Assembly resolutions 34/37 and 35/19, the people of Western Sahara should be represented by the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario). While the petitioner in aide-memoire 02/16 claimed to represent the people of the Sahara, he was not a member of the Frente Polisario and could not properly speak for them before the Committee. His request for hearing should therefore be denied.

9. **Mr. Hilale** (Observer for Morocco), speaking on a point of order, said that the Committee had already approved the request and could not reverse its decision. Speaking on the substance of the matter, he said that, while General Assembly resolution 34/37 referred to the Frente Polisario as "the representative of the people of Western Sahara", General Assembly resolution 35/19 had subsequently eliminated the definite article before "representative", allowing for the possibility of other representatives. The petitioner had been elected in free and fair elections, as confirmed by the Special Representative of the Secretary-General and Head of the United Nations Mission for the Referendum in Western Sahara (MINURSO) and by the Personal Envoy of the Secretary-General for Western Sahara, and was thus one of many elected representatives who could represent his constituents before the Committee. He had every right to report on their behalf, and the Committee had a duty to hear his report.

10. **The Chair** said that the Committee had not approved the requests for hearing on the question of Western Sahara; it had merely confirmed the date of the hearing. The question of who had a right to represent the Saharan people had been discussed at great length during the 2016 Pacific regional seminar in Managua. The request from the Vice-President of the region of Laâyoune-Sakia El Hamra, who claimed to represent the Saharan people, had raised the same issue. After consulting with the Office of Legal Affairs, the Bureau had concluded that, pursuant to the aforementioned General Assembly resolutions, the Frente Polisario was the sole representative of the people of Western Sahara before the Committee. Anyone living in the territories under Moroccan control could speak on behalf of the Kingdom of Morocco, but only the representative of the Frente Polisario could speak on behalf of the people of Western Sahara.

11. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that the Committee was bound by the aforementioned resolutions, which could be amended only by the General Assembly. They designated the Frente Polisario as the representative of the Saharan people, regardless of the subject matter, the region and whether or not elections had been held.

12. **Mr. Kowalski** (Office of Legal Affairs) said that, as the Secretariat could not take a position on the issue, he would limit himself to reviewing the rules relevant to representation in the Special Committee. First, only members of the Committee, observers, representatives of Non-Self-Governing Territories and petitioners could participate in its substantive sessions. Second, General Assembly resolutions 34/37 and 35/19 implied a connection between representation of the people of Western Sahara and the Frente Polisario. Third, under the rules of procedure of the General Assembly, the Chair had the power to rule on points of order but remained under the authority of the Committee.

13. **Mr. Hilale** (Observer for Morocco) said that, regarding the point of order, the requests for hearing had been approved and the Committee had moved on to the next agenda item, Information from Non-Self-Governing Territories, under which the representative of an independent State such as the Bolivarian Republic of Venezuela was not entitled to speak. With regard to the admissibility of the request for hearing, in the first paragraph of his letter, the petitioner clearly claimed to represent only the region of Laâyoune-Sakia El Hamra. The omission of "the" in General Assembly resolution 35/19 was significant, and the representative of the Office of Legal Affairs should therefore review the record of the meeting in which the change had been decided and provide a legal opinion on the difference between "the representative" and "representative" in the context of the resolutions.

14. **The Chair** said that every possible effort was being made to sabotage the meeting. The disputed request for hearing was purposefully ambiguous and subject to interpretation. As Chair, he had the power to decide between possible interpretations so that the Committee could continue with its work.

15. **Mr. Hilale** (Observer for Morocco) said that the Chair had falsely accused his delegation of trying to sabotage the meeting. The Bolivarian Republic of Venezuela was trying to impose a discussion of representation. The real issue was the right of anyone in a Non-Self-Governing Territory to be heard. The Bolivarian Republic of Venezuela had a problem with elections, the legitimacy of elected officials and respect for human rights, and while he respected the views of the Chair's country, the Chair had no right to impose Venezuelan ideological and political positions on the Committee.

16. **The Chair** said that the representative of Morocco was showing a complete lack of respect for his office and for his country. He did not wish to repeat the spectacle of the 2016 Pacific regional seminar. If the representative of Morocco could not focus on his point, the Chair would be forced to end the meeting.

17. **Mr. Hilale** (Observer for Morocco) said that in the Sahara, there were those who supported separatism, those who supported integration, those who supported autonomy and those who had no opinion. In a democracy such as Morocco, all had a right to be heard and the Committee should recognize that same democratic right. The petitioner had not come to contest the Frente Polisario, but to speak in his own capacity and on behalf of his constituents.

18. **The Chair** said that the only vote of interest to the Committee was a referendum. As written, the resolutions did not allow the Committee to recognize political or demographic changes.

19. Returning to the agenda item under discussion, he drew the Committee's attention to the draft resolution on information from Non-Self-Governing Territories

transmitted under Article 73 *e* of the Charter of the United Nations (A/AC.109/2015/L.3).

20. **Ms. Rodríguez Abascal** (Cuba) said that the information submitted by the administering Powers under Article 73 *e* of the Charter informed the Committee's decisions. According to the report of the Secretary General (A/71/68), some States had failed to provide information for the periods under review. Cuba therefore wished to reaffirm the obligation of the administering Powers to support the work of the Committee and to provide the information requested in the Committee's resolutions and decisions.

Draft resolution A/AC.109/2015/L.3

21. *Draft resolution A/AC.109/2015/L.3 was adopted.*

Dissemination of information on decolonization (A/AC.109/2016/18)

22. **Ms. Novicki** (Department of Public Information (DPI)), introducing the report of the Secretary-General on the dissemination of information on decolonization during the period from April 2015 to March 2016 (A/AC.109/2016/18), said that during the reporting period, the Department had issued numerous press releases on the decolonization activities of various United Nations bodies and had deployed a press officer to the Pacific regional seminar. It had recently finalized the leaflet "What the United Nations can do to assist Non-Self-Governing Territories", which would be available in both electronic and print formats in a few weeks. In the electronic realm, it had worked with the Decolonization Unit of the Department of Political Affairs to update the profiles of the Non-Self-Governing Territories on the United Nations decolonization website, where traffic was growing, and it had featured decolonization-related issues on other special websites and its social media accounts.

23. United Nations Television had covered all formal open meetings of the Special Committee and the related press conferences, as well as relevant sessions of the Fourth Committee, and UNifeed had provided two new packages to its broadcasting partners. Furthermore, video coverage of decolonization-related meetings and events continued to be available live and on demand on the United Nations Web TV website. The United Nations Photo Unit had covered a number of such events, and the United Nations Radio units had continued to highlight United Nations activities on issues related to decolonization and the Non-Self-Governing Territories in the six official languages, as well as Portuguese and Kiswahili. The multilingual United Nations News Centre had spotlighted decolonization-related issued more frequently than usual in the context of the Organization's 70th anniversary. Lastly, the topic of decolonization was included in the guided tours of the United Nations Headquarters and the United Nations offices at Geneva, Nairobi and Vienna.

24. The Dag Hammarskjöld Library had handled a series of requests for readership and information services on the subject of decolonization, including specific requests sent through the online "Ask Dag" platform, and its Research Guides webpage allowed searches on, inter alia, the keywords "decolonization", "colonies" and "non-self-governing territories". The Library continued to scan and upload important United Nations documents on decolonization, making them publicly available through the Official Documents System.

25. **Ms. Rodríguez Abascal** (Cuba), recalling General Assembly resolution 70/103 on the dissemination of information on decolonization, urged DPI to expand its efforts to ensure the widest possible dissemination of such information, using all available media, with particular emphasis on the options for self-determination available for the peoples of Non-Self-Governing Territories. Cuba also joined with the other Member States in requesting the Secretary-General to further enhance the information provided on the United Nations decolonization website. In that connection, DPI needed to work more systematically to make the Committee's activities visible. It should publish and update the decolonization website content in all of the official United Nations languages, not just English, in order to reach the widest possible audience. The information should be of high quality and timely, in order to promote good decision-making and a better understanding of the decolonization process. It should be published proactively and in real time.

26. **Mr. Coloma Grimberg** (Chile) said that digital media was important and he therefore wished to know what percentage of the documents of the Special Committee had been scanned. However, since many members of its target audience did not have access to digital media, the Special Committee should work with the Committee on Information to explore other means of spreading the decolonization message, especially to

the peoples of the Non-Self-Governing Territories. Lastly, his delegation urged DPI to disseminate legal information on the Special Committee more systematically, in order to promote a better understanding of its activities.

27. **Mr. Djani** (Indonesia) said that, especially in view of the new Sustainable Development Goals, the Committee must redouble its efforts to ensure the welfare of the people in the Non-Self-Governing Territories. With 17 Territories still listed at the midpoint of the Third International Decade for the Eradication of Colonialism, it must also continue to work with all stakeholders to end colonialism. Regional seminars such as the one in Managua provided an important platform for assessing progress and reviewing the Committee's work, and the Committee should take their results into account, preparing evaluations of the Territories acceptable to all parties on a case-by-case basis. Indonesia had noted with appreciation the cooperation and goodwill of some administering Powers during consultative meetings and dialogues, and it encouraged all administering Powers to follow their example. It was confident that, with the Powers' support, the Committee would be able to conduct another visiting mission in accordance with General Assembly resolution 70/231 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

28. **Ms. Novicki** (Department of Public Information (DPI)) said that her Department would follow up on the excellent comments and suggestions made by the representatives of Cuba and Chile. It was ready to consider any initiative within its means to promote United Nations activities in the area of decolonization, and it would work with all relevant partners to do so. She would find out what percentage of the Committee's documents had been digitized and report back to it.

29. **Ms. Ambiehl** (Decolonization Unit, Department of Political Affairs (DPA)), accompanying her statement with a digital presentation, said that the Unit made full use of the DPA Twitter account. For example, it had tweeted the recent regional seminar as well as the start of the meeting in progress. Twitter was a powerful tool at the fingertips of the Committee members. She invited them to retweet the tweet announcing the meeting and showed them how to do it.

30. Her Department continued to work closely with DPI to keep the United Nations decolonization website up to date. It was also responsible for preparing the annual Secretariat Working Papers on the 17 Non-Self-Governing Territories and uploading them to the decolonization website as soon as they were published. It had provided substantive support for convening and following up on the annual regional seminar, and had worked closely with DPI to ensure that the statements, press releases and photographs associated with the seminar were available on the decolonization website. She ended her presentation by projecting the photographs.

31. **Ms. Rubiales de Chamorro** (Nicaragua) said that it had been a privilege to host the Pacific regional seminar for the second consecutive year. Her Government wished to thank all who had participated and would be pleased to host the seminar again in 2017.

Draft resolution A/AC.109/2016/L.4

32. *Draft resolution A/AC.109/2016/L.4 was adopted.*

Question of sending visiting missions to Territories

33. **The Chair** said that draft resolution A/AC.109/2016/L.5 was still being revised and would be submitted to the Committee at a later date.

34. **Mr. Maleki** (Islamic Republic of Iran) asked the informal working group to elaborate on its procedure for preparing draft resolutions.

35. **The Chair** said that the Bureau prepared the draft resolutions with the help of the Secretariat and distributed them to the Committee when they were ready.

36. **Mr. Maleki** (Islamic Republic of Iran) said that when draft resolutions were prepared by an informal working group, any delegation with an objection or a suggestion could help to shape them. When they were prepared by the Bureau, the delegations' only option was to vote yes or no. The Committee needed to demonstrate that it was truly concerned about decolonization and that its resolutions were discussed and negotiated in an expert working group.

37. **The Chair** said that he was somewhat frustrated with the way in which draft resolutions were approved, and greater participation in the drafting process could help to break the Committee out of stagnation. He

invited any Committee members who so desired to help the Bureau with the draft resolutions. A more structured approach would also be possible.

38. **Mr. Maleki** (Islamic Republic of Iran) said that, as a general rule, United Nations committees had a working group in which draft resolutions were discussed and negotiated before they were adopted. However, he would accept the Chair's decision.

39. **The Chair** said that he appreciated the representative's very positive suggestion. He would form a working group on draft resolution A/AC.109/2016/L.5.

Question of Gibraltar (A/AC.109/2016/8)

40. **The Chair** informed the Committee that the delegation of Spain had indicated its wish to participate in the Committee's consideration of the item. He drew attention to the working paper prepared by the Secretariat on the question of Gibraltar (A/AC.109/2016/8).

Hearing of representatives of the Non-Self-Governing Territory

41. *At the invitation of the Chair, Mr. Picardo (Chief Minister, Gibraltar) took a place at the Committee table.*

42. **Mr. Picardo** (Chief Minister, Gibraltar), speaking publicly for the first time since the murders in Orlando, United States, said that his Government wished to extend its condolences to the American people and to the lesbian, gay, bisexual and transgender community.

43. By its deliberate inaction on the question of Gibraltar, the Committee was infringing the inalienable rights of its people. As the representative of Gibraltar had recalled at the 2016 Pacific regional seminar, the Committee's mission was to protect and promote the interests of the peoples of the Non-Self-Governing Territories, not to arbitrate territorial disputes between States. The Committee refused to visit Gibraltar, even though it was clearly empowered to carry out visiting missions to listed Territories, and it had rebuffed Gibraltar's offer to host the annual regional seminar on the grounds of an alleged territorial dispute.

44. As the Court of Arbitration for Sport had confirmed in its recent decision to allow the Gibraltar Football Association to apply for membership in the Fédération Internationale de Football Association (FIFA), Spain had no legitimate claim to Gibraltar, having relinquished sovereignty more than 300 years previously. Its 50-year refusal to argue its case before the International Court of Justice showed that it was well aware of that fact. Nevertheless, the Committee was taking Spain's side against the people of Gibraltar, and its seminar reports failed to reflect what was said about Gibraltar during the seminars.

45. With the vote on United Kingdom withdrawal from the European Union approaching, the caretaker Spanish Foreign Minister had already warned his Government that, should the United Kingdom decide to leave, Gibraltar would have to accept joint sovereignty with Spain in order to have access to the Single European Market. The people of Gibraltar had voted overwhelmingly to reject joint sovereignty in 2002 and they would not be bribed. They would never be Spanish.

46. *Mr. Picardo withdrew.*

47. **Ms. Pedros Carretero** (Observer for Spain) said that, as the United Nations had recognized in General Assembly resolution 2353 (XXII) and repeatedly thereafter, the colonial situation of Gibraltar undermined Spain's territorial integrity. In 1704, England had seized part of Gibraltar, expelling the original inhabitants, and it had subsequently not only repopulated the territory but had also enlarged its holding, by claiming land and waters not ceded in 1713 under the Treaty of Utrecht. While the United Kingdom no longer officially considered Gibraltar a colony, the Gibraltarian Government operated under a charter granted by the United Kingdom Foreign Office in 2006. Spain had never ceased to demand full restitution of its lands and once again called on the United Kingdom to engage in bilateral negotiations, in accordance with its commitment in the Brussels Declaration of 1984 and the repeated decisions of the General Assembly.

48. The unilateral, irresponsible attitude of the Gibraltar local authorities was a source of ongoing problems. In 2012, they had ceased to respect an informal agreement allowing Spanish fishing off the coast of Gibraltar, and in 2013 they had dropped concrete blocks to prevent it. Gibraltar remained a tax haven whose opaque tax system hindered international efforts to combat tax evasion, money laundering and the financing of terrorism. Recently, a surge in tobacco

smuggling from Gibraltar had forced Spain to establish border controls.

49. To promote regional cooperation beneficial to both Spain and Gibraltar, Spain had spearheaded the trilateral Forum for Dialogue on Gibraltar, which had ceased operations in 2010 because of the Gibraltarian local authorities' abuse of it to promote their claims of sovereignty. Since then, Spain had been working to establish a new forum for regional cooperation that would also include the competent local and regional Spanish authorities.

50. Spain again stressed the importance of the Special Committee's work and of respect for United Nations decolonization procedures. Despite the Gibraltarian authorities' repeated, slanderous accusation that the Committee was ignoring the aspirations of the inhabitants of Gibraltar, it should not remove any Territories from the list of Non-Self-Governing Territories that had not been decolonized pursuant to its own criteria.

Hearing of petitioners

51. *At the invitation of the Chair, Mr. Buttigieg (Self-Determination for Gibraltar Group) took a place at the petitioners' table.*

52. **Mr. Buttigieg** (Self-Determination for Gibraltar Group) said that since he had last appeared before the Committee in June 2015, the Committee had unfortunately done nothing at all about the issue of Gibraltar. Decolonization-related propaganda could be useful, but what Gibraltar needed was action. It had been waiting 10 years for the Committee to tell it what changes it should make to its 2006 Constitution — which provided a very un-colonial level of self-governance — in order for it to be removed from the United Nations list of colonies. If the Committee were to send a visiting mission to Gibraltar, the mission would witness first-hand Spain's flagrant violations of its international territorial waters and unjustified restriction of vehicular and pedestrian flow at the frontier. It would see that the tobacco was being smuggled out of Gibraltar by Spanish citizens and that Gibraltar had reacted by imposing very stringent restrictions on the sale of tobacco. It would see that Gibraltar was not a "parasitic nation" or a "pre-fabricated community", as Spain claimed, but rather a vibrant, tolerant and peaceful culture that wanted a cordial and mutually beneficial relationship with its neighbour.

53. Gibraltarians had overwhelmingly rejected joint sovereignty with Spain in two referendums. Yet if the United Kingdom decided to leave the European Union, the caretaker Spanish Government had threatened to seek to discuss Gibraltar's sovereignty the next day, in total disregard for its people's right to self-determination. Gibraltar remained very much willing to test the strength of its case before the International Court of Justice if Spain would agree to the proceedings.

54. His country had survived military and economic sieges and continued to prosper. It had been accepted into the Union of European Football Associations (UEFA) and FIFA. It was lauded as a transparent and compliant financial centre and for its successful campaign against corruption.

55. Gibraltarians were a proud people with an unwavering loyalty to their homeland and a steadfast identity. They were not secessionists. All they asked was to be recognized as a people with the right to decide its own future.

56. *Mr. Buttigieg withdrew.*

The meeting rose at 6 p.m.

United Nations A/AC.109/2016/SR.4

General Assembly

Distr.: General
7 July 2016

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 4th meeting
Held at Headquarters, New York, on Tuesday, 14 June 2016, at 10 a.m.

Chair: Mr. Ramírez Carreño ..... (Bolivarian Republic of Venezuela)

Contents

Question of Western Sahara

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent as soon as possible to the Chief of the Documents Control Unit (srcorrections@un.org).

Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org/).

16-09827 (E)

Please recycle

The meeting was called to order at 11 a.m.

Question of Western Sahara (A/AC.109/2016/17)

1. **The Chair** informed the Committee that the delegations of Algeria, Angola, the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario), Morocco, Namibia, South Africa and Uganda had indicated their wish to participate in the Committee's consideration of the item as observers.

2. **Mr. Rivero Rosario** (Cuba) said that there had been practically no progress towards an effective solution to the dispute in Western Sahara in more than 40 years. The situation of the people in the refugee camps had become unbearable. Cuba reiterated its support for the efforts of the Secretary-General and his Personal Envoy to bring about a political solution acceptable to both sides and called on the Security Council to take the measures available to it to rapidly resolve the dispute and make arrangements to hold the referendum for which the United Nations Mission for the Referendum in Western Sahara (MINURSO) had been established. In that connection, Cuba supported the communiqué on Western Sahara issued by the African Union (AU) in April 2016.

3. The people of Western Sahara could count on the solidarity of Cuba, which for many years had provided medical assistance in the Sahrawi Arab Democratic Republic and had educated Sahrawi students in Cuban universities. Cuba would continue to support a just and definitive solution to the question of Western Sahara, in accordance with the relevant General Assembly and Security Council resolutions.

4. **Mr. Bouah-Kamon** (Côte d'Ivoire) said that, in dealing with the complexity of decolonizing each individual Non-Self Governing Territory, the Committee should bear in mind principle VI in the annex to General Assembly resolution 1541(XV), which acknowledged the need for a case-by-case approach by providing three avenues to full self-government: statehood, free association with an independent State or integration with an independent State. In the case of Western Sahara, the Security Council and the General Assembly had repeatedly recognized the necessity of a political solution that would safeguard the interests of the people themselves. Reiterating his country's support for United Nations-led negotiations and for the good-faith plan by which Morocco had proposed giving broad autonomy to its Saharan region, he called on the parties to the conflict to show willingness to compromise. He welcomed the efforts of the Secretary-General and his Personal Envoy for Western Sahara, as well as Security Council resolution 2285 (2016), which aimed to refocus the discussion. It was important to create the conditions for stronger confidence-building measures so as to narrow the gap between the parties.

5. **Ms. McGuire** (Grenada) said that, as a former colony, Grenada firmly supported the United Nations-led political process based on the Security Council resolutions relating to Western Sahara since 2007, and it encouraged the efforts of the Secretary-General and his Personal Envoy to bring about a just, lasting and mutually acceptable political solution based on realism and a spirit of compromise. Morocco had recently launched a series of multibillion-dollar development projects in the Sahara that would create more than 120,000 jobs. Furthermore, it had made substantial progress on human rights, as recognized by the Security Council in resolution 2285 (2016), and it had cooperated with all the United Nations human rights mechanisms. Grenada stressed the importance of the Security Council's reiterated request for consideration of a refugee registration in the Tindouf refugee camps.

6. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that his Government remained deeply concerned about the situation in Western Sahara, the last colony in Africa. The United Nations had a duty to remain intensely involved in ending the deplorable situation there, which had worsened. Although the United Nations had been calling for a referendum on self-determination for 25 years, the Sahrawi people continued to be denied that right. The most recent and perhaps gravest setback was Morocco's decision to expel the civilian staff of MINURSO, and the United Nations must stand firm on its demand that they be allowed to return.

7. The deepening despair and frustration of the Sahrawi people could lead to renewed violence, which would have a devastating impact on the delicate geopolitical balance of the Maghreb. The Committee should send a visiting mission to obtain first-hand information, and the international community should continue to provide assistance to the separated and displaced families.

8. The United Nations remained committed to bringing about the referendum, for which MINURSO

had been established, and the Bolivarian Republic of Venezuela would continue to support the Secretary-General and his Personal Envoy in their efforts to that end.

9. **Mr. Nduhuura** (Observer for Uganda), recalling the history of Western Sahara since its inscription on the list of Non-Self-Governing Territories in 1963, said that the United Nations had failed to assume its responsibility towards the Sahrawi people, who had cooperated loyally and placed their trust in it. Generations later, they were still living in exile in inhospitable refugee camps or divided and brutalized by the illegal Moroccan occupation, while Morocco plundered their natural resources.

10. The United Nations would do well to interact more with the African Union on the decolonization of Western Sahara, as it had a vital role to play in the solution. The African Union had made its position on the question clear on various occasions. During its most recent summit in January 2016, it had called on the General Assembly to set a date for the referendum on self-determination, and he urged the Committee to include that call in its recommendations to the General Assembly.

11. It was more critical than ever for the Special Committee to reframe the discussion on Western Sahara and to complete its decolonization. It should consider an official visit to Western Sahara and the refugee camps in Algeria, as well as a special session on the question of Western Sahara. Uganda looked to the Committee to do what was legally and morally just.

12. **Ms. Scott** (Observer for Namibia) expressed her Government's condolences to the people of the Sahrawi Arab Democratic Republic on the death of Mohamed Abdelaziz, President of the Republic and Secretary-General of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario). As a former colony, Namibia remained firmly committed to the right of the people of Western Sahara to self-determination through a fair and free referendum, and supported the Secretary-General's urgent appeals in his report (S/2016/355) for the Security Council to restore the mandated role of MINURSO, thus upholding United Nations peacekeeping standards and impartiality, and for the parties to engage in serious, good-faith negotiations without preconditions. Appealing to the Security Council for action and to the Government of Morocco for cooperation, she called for rapid implementation of all Security Council and General Assembly resolutions advocating a referendum in Western Sahara.

13. **Mr. Hermida Castillo** (Nicaragua) said that the stagnant colonial situation in Western Sahara was a threat to regional peace and urgently required a just, definitive solution. Reitcrating Nicaragua's solidarity with the long struggle of the Sahrawi people for national liberation, he urged his brothers in the Sahrawi Arab Democratic Republic and Morocco to intensify negotiations on a settlement plan that provided for a referendum on self-determination.

14. **Mr. Woldegerima** (Ethiopia) said that his country fully supported the many resolutions of the African Union and the United Nations calling for a just, lasting and mutually acceptable solution that provided for the self-determination of the people of Western Sahara. It urged renewed efforts to reinvigorate the negotiation process on the basis of those resolutions.

15. **Mr. Mminele** (Observer for South Africa), expressing deep condolences to the people of Western Sahara on the death of President Mohamed Abdelaziz, said that the Committee should honour his memory by fully implementing the Declaration on the Granting of Independence to Colonial Countries and Peoples. South Africa remained committed to a negotiation process led by the United Nations with the support of the African Union. Morocco was an occupying Power according to both the General Assembly and the International Court of Justice, and the United Nations should enforce the Sahrawi people's right to self-determination by implementing the related United Nations and African Union decisions without further delay.

16. Commending the Secretary-General for his visit to the region in March 2016, South Africa regretted that he had not been permitted to visit either Rabat or the headquarters of MINURSO in Laayoune and that the Security Council had failed to respond firmly and decisively to Morocco's expulsion of the MINURSO civilian personnel, which jeopardized the Mission.

17. South Africa condemned Morocco's repeated hosting of international conferences in occupied Western Sahara and its exploitation of the Territory's mineral resources, over which it had no sovereignty. It was also deeply concerned about the worsening

humanitarian situation in the refugee camps, which was due in part to reduced funding.

18. **Mr. Duberry** (Antigua and Barbuda) said that his delegation supported the Security Council's call for a mutually acceptable political solution in Western Sahara and urged both sides to comply with its resolutions. Noting the draft conclusions and recommendations of the 2016 Pacific Regional Seminar relating to the implementation of the Third International Decade for the Eradication of Colonialism, he said that his delegation would continue to work to ensure smooth negotiations over Western Sahara. The Moroccan autonomy plan constituted a serious effort to end the dispute, and he appealed to all parties to show continued political will and promote an atmosphere of dialogue on all crucial issues. He also called on them to address the situation in the refugee camps in accordance with international refugee law and the guidelines adopted at the recent World Humanitarian Summit.

19. **Ms. Mwingira** (United Republic of Tanzania) commended the thoughtful report of the Secretary-General on the situation concerning Western Sahara (S/2016/355) and agreed with him on the urgency of moving beyond the status quo. The Frente Polisario and Morocco should engage in direct negotiations without preconditions and in good faith, as recommended by the African Union Peace and Security Council. Morocco would do well to cooperate with the African Union, and also with the AU staff assigned to MINURSO.

20. **Ms. Pereira Sotomayor** (Ecuador), expressing deep concern about the longstanding violation of the right of the people of Western Sahara to self-determination and the illegal exploitation of their natural resources, urged Morocco and the Frente Polisario to comply with the United Nations settlement plan calling for a self-determination referendum — to which both parties had agreed years earlier — and with Security Council resolution 690 (1991) establishing MINURSO to oversee the process. Efforts to carry out the referendum should be stepped up, and human rights monitoring should be added to the MINURSO mandate. Despite slow progress, her country remained hopeful that the Security Council would enforce its decisions and that MINURSO would implement the referendum.

21. **Mr. Gaspar Martins** (Observer for Angola) expressed his Government's condolences on the death of Sahrawi President Mohamed Abdelaziz. A colony for more than five centuries, Angola understood the hardship of colonial rule and the importance of the solidarity and support of friendly countries and international partners. It encouraged the efforts of the Committee and, especially, the Secretary-General to bring about a referendum in Western Sahara, and urged the parties to continue negotiations under the auspices of the United Nations so as to hasten the Sahrawi people's long-delayed enjoyment of self-determination.

22. Heavy rains in October 2015 had devastated the Tindouf refugee camps, worsening the impact of the continued decline in humanitarian aid on the already severe living conditions. Angola recognized the efforts of the Office of the United Nations High Commissioner for Refugees (UNHCR) and urged MINURSO to give greater attention to monitoring the human rights situation in the camps.

23. Angola would continue to support all United Nations efforts to bring about a referendum, which was urgently needed to counter the frustrated hopes that could cause an outbreak of massive armed conflict in the region. It urged Morocco to allow the civilian personnel of MINURSO to return so that it could carry out its mandate effectively.

24. **Mr. Hilale** (Observer for Morocco) said that although the French Protectorate had ended in 1956, Morocco had not emerged fully from colonialism until 1975, with its recovery of Moroccan Sahara under the terms of the Madrid Accord. It was at the instigation of Morocco that Western Sahara had been added to the list of Non-Self-Governing Territories in 1963, where it had unfortunately remained, owing to Cold War-era rivalries and Algeria's hegemonic designs.

25. The 1991 United Nations settlement plan had proved impossible to implement because the parties had been unable to agree on the electorate for the referendum, and the Baker plans put forward by the then Personal Envoy of the United Nations Secretary-General for Western Sahara had also come to nought. Since 2004, the Security Council — the only United Nations body authorized under the Charter to settle international disputes — had been calling only for a mutually acceptable political solution. In response to that appeal, Morocco in 2007 had submitted an initiative for negotiating an autonomy statute for the

Sahara region as a compromise solution. The proposed statute was based on several years of consultation at the local regional, national and international levels and complied fully with the principles of the Charter of the United Nations and international standards of self-governance. Moreover, it remained open to negotiation and would be subject to approval by the populations concerned.

26. The Moroccan autonomy proposal was the basis of the ongoing political process led by the Secretary-General and his current Personal Envoy. Since resolution 1754 (2007), the Security Council had abandoned all references to a referendum, calling only for a mutually acceptable political solution and commending the Moroccan initiative.

27. In 2015, the people of Moroccan Sahara had joined in celebrating the fortieth anniversary of the "Green March" that had confirmed the southern provinces as part of Morocco. Their enthusiastic welcome for the King of Morocco on that occasion in 2015 had demonstrated their continued allegiance to the Alawite throne, recognized in the 1975 advisory opinion of the International Court of Justice. During his visit, the King had launched a new model for the development of the Saharan provinces, mobilizing almost $8 billion to promote integrated, sustainable development based on local control. Earlier in the year, representatives had been elected to regional councils with important constitutional and legal powers and dedicated financial and human resources. More than three-quarters of the electorate of the southern provinces had voted in free and fair elections, as confirmed by MINURSO and thousands of foreign observers.

28. Conditions in the Tindouf camps were quite different. Unlike any other refugee camp population, the people in the camps were unregistered, in violation of repeated Security Council and General Assembly recommendations. Both the Office of the United Nations High Commissioner for Refugees and the host country had a duty to register the camp inhabitants. Moreover, a recent European Anti-Fraud Office report, confirmed by UNHCR investigations, revealed that Algeria and the Frente Polisario had been embezzling humanitarian aid for decades.

29. His Government's initiative was proof of Morocco's determination to end the regional dispute. It was time for the other parties to marshal the political will to focus the negotiations on that proposal. The status quo did not serve the aspirations for development of the peoples of the Arab Maghreb Union.

30. **Mr. Boukadoum** (Observer for Algeria) said that Algeria was more committed than ever to the mandate of the Special Committee. The right to self-determination was a basic principle of the Charter and a human right under the core human rights instruments. As the foundation of the Committee's mandate, it should remain the focus of its work. The United Nations had a responsibility to ensure the exercise of that right, which was critical to resolving the dispute between the Frente Polisario and Morocco. Yet, after more than 40 years, and despite the advisory opinion of the International Court of Justice and the many Security Council and General Assembly resolutions calling for the Sahrawi people to be allowed to decide their own fate, it had not brought about a referendum.

31. He supported the proposed visiting mission by the Committee to Western Sahara. As for Morocco's exploitation of natural resources in the Territory, the African Union Legal Counsel, the European Union Court of Justice and the United Nations Secretary-General unanimously considered it illegal. Algeria welcomed the African Union's high level of commitment to self-determination in Western Sahara, including in particular its dispatch of the AU Special Envoy for Western Sahara, the position taken by the Peace and Security Council and the initiatives of the Chairperson of the African Union Commission.

32. The two parties had a duty to abide by the rules to which they had agreed. The African Union, the Security Council and the General Assembly were the sole referees in the dispute. Especially in view of the impact that conflict in Western Sahara would have on the stability of the region, it was important to support the efforts of the Secretary-General, his Personal Envoy and his Special Representative. The Saharan people must be allowed to choose the future they wanted.

33. **The Chair** invited the observer for the Frente Polisario to speak on behalf of Western Sahara.

34. **Mr. Hilale** (Observer for Morocco), speaking on a point of order, said that the Chair could not invite the observer for the Frente Polisario to speak and could not say that he represented Western Sahara. To speak, the observer needed to have submitted a formal request for

hearing in accordance with the rules and the precedent of the Committee, which he would illustrate by reading from its annual reports.

35. **The Chair**, declining to grant permission for such an unwarranted reading, said that the entire Bureau had agreed to hear the observer for the Frente Polisario, who was customarily invited to address the Committee on the question of Western Sahara. The issue of representation had already been discussed and settled, as indicated at the previous meeting. He would not allow the observer for Morocco, an occupying Power and not a member of the Committee, to interfere with the Committee's work. He instructed all participants except the members of the Bureau to leave the room.

36. **Mr. Hilale** (Observer for Morocco), observing that the Chair was presiding over the Committee as if he were still in the Bolivarian Republic of Venezuela, said that he was flouting the Charter of the United Nations and the rules and practice of the General Assembly.

The meeting was suspended at 12.50 p.m. and resumed at 1.10 p.m.

The meeting rose at 1.10 p.m.

United Nations A/AC.109/2016/SR.5

General Assembly

Distr.: General
15 July 2016

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 5th meeting
Held at Headquarters, New York, on Friday, 17 June 2016, at 11 a.m.

Chair: Mr. Ramírez Carreño ..... (Bolivarian Republic of Venezuela)

Contents

Question of Western Sahara (*continued*)

Hearing of representatives of the Non-Self-Governing Territory

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent as soon as possible to the Chief of the Documents Control Unit (srcorrections@un.org).

Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org/).

16-10266 (E)

Please recycle

The meeting was called to order at 11:45 a.m.

Question of Western Sahara (*continued*)
(A/AC.109/2016/17)

1. **The Chair** said that, at its fourth meeting, the Committee had been forced by an unfortunate incident to interrupt its consideration of the question of Western Sahara. The next day, it had held a closed meeting to discuss the problem. After a wide-ranging discussion, the Chair had been asked to prepare an informal document presenting the different points of view. At a second closed meeting just ended, the document had been adopted by consensus.

2. **The Secretary**, reading the informal document, said that the Committee had agreed that the Chair had the power to control the proceedings of any meeting under rules 106 and 107 of the rules of procedure of the General Assembly.

3. Following the aforementioned incident, involving interference by a non-member State with the proceedings of a formal meeting, the Bureau had convened an extraordinary closed meeting during which the Special Committee had recognized that the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario) was the representative of the people of Western Sahara under General Assembly resolutions 34/37, paragraph 7, and 35/19, paragraph 10, and that, as a subsidiary body of the General Assembly, the Special Committee could not challenge those resolutions. However, it had heard some members express divergent views as to the recognized representative of the Territory. A proposal had been made to raise the issue of the representation of Western Sahara in the Fourth Committee.

4. For the purpose of Special Committee hearings during open meetings, the main difference between representatives of Non-Self-Governing Territories and petitioners was that representatives did not need the Committee's permission to address it, but only its consent. The Committee's practice and language on the issue of the representation of Western Sahara had been inconsistent, but in any case, in the absence of an official Committee decision or General Assembly mandate on the matter, the Chair was not required to follow past practice. That said, the Committee had heard the observer for the Frente Polisario previously.

5. On the basis of the above, the Committee had agreed to hear the observer for the Frente Polisario speaking in the capacity of representative of Western Sahara.

6. **Mr. Bouah-Kamon** (Côte d'Ivoire) asked the secretariat to clarify whether or not the decisions of the Committee were taken by consensus. The document did not represent a consensus decision, since his delegation had agreed to let the person in question speak as the observer for the Frente Polisario, but not as the representative of the people of Western Sahara.

7. **The Secretary** said that she could not comment on the document, which had been prepared by the Chair. With regard to decision by consensus, although the Committee had a history of working by consensus, as a subsidiary body of the General Assembly it was governed by the General Assembly rules of procedure, which called for a vote in the absence of consensus.

8. **The Chair** said that the informal document accurately summarized a wide-ranging discussion. It indicated that the Committee was bound by the relevant General Assembly resolutions and that the proper forum for changing them was the Fourth Committee. In addition, it made it clear that some Committee members did not consider the Frente Polisario to be the representative of the people of Western Sahara. The Committee had decided not to let the issue continue to obstruct its work.

9. **Mr. Duberry** (Antigua and Barbuda) said that he had hoped that the informal document would have been circulated before the meeting so that his delegation could take a position on it. He did not think that a consensus had been reached during the closed meeting.

10. **Mr. Sevilla Borja** (Ecuador) said that the representatives of Côte d'Ivoire and Antigua and Barbuda had expressed opinions that were not shared by the vast majority of the Committee. Those delegations had every right to express their reservations to a consensus decision, but the document had been adopted by consensus. Moreover, it clearly stated that there had been divergent views. It had not been circulated earlier because it could not be translated in time.

11. **Ms. McGuire** (Grenada), agreeing about the need to work by consensus, said that she, like the representative of Antigua and Barbuda, had understood, perhaps mistakenly, that the informal document would be circulated before the open meeting. She took the point that the document mentioned the

existence of divergent views, but it ended by saying that the Committee had agreed to hear the observer for the Frente Polisario as the representative of Western Sahara, which implied that there had been a consensus. The Chair had allowed delegations to comment, but he had gavelled the informal document without asking if they agreed to the document as a whole.

12. **Mr. Cousiño** (Chile) said that all the delegations had been present when the informal document had been adopted. The document clearly stated that there had been divergent opinions, and while the Committee had agreed that anyone in disagreement should present a different proposal, none had been presented. The dissenting delegations had expressed their views, but they had joined in adopting the document by consensus. There appeared to be a problem of communication among and perhaps within delegations. The delegations were engaged in international diplomacy at the highest level and should approach their work with due seriousness and respect.

13. **Mr. Rivera** (Cuba) said that Cuba supported the statements of the Ecuadorian and Chilean delegations.

14. **Mr. Hermida Castillo** (Nicaragua) said that the document was the product of many hours of work and had been discussed in an open, transparent and inclusive manner at the closed meeting earlier that morning. At that meeting, all the delegations had had sufficient time to express their opinions, and the vast majority had expressed support for the General Assembly resolutions. The document, as agreed, did indicate that there had been divergent opinions. Given the number of agenda items still pending, it was important to move forward. His delegation fully supported the statements of the Ecuadorian and Chilean delegations.

15. **Mr. Hamed** (Syrian Arab Republic) said that the Committee had devoted two meetings to the issue, which it had addressed thoroughly and transparently. While several participants had expressed different positions, there had been no objections to the document. Given the limited time available, the Committee needed to move ahead and work efficiently by consensus.

16. **Mr. Arancibia Fernández** (Plurinational State of Bolivia), expressing support for the statements of the delegations of Ecuador, Chile, Cuba, Nicaragua and the Syrian Arab Republic, said that the issue had been discussed transparently. The informal document was adequate and would allow the Committee to get on with its work.

17. **Mr. Habib** (Indonesia) said that his delegation appreciated the Committee's patience on a very sensitive, complex and knotty issue and was considering the various contributions and suggestions made. It valued the credibility and impartiality of the Chair and understood that General Assembly resolutions 34/37 and 35/19 referred to a particular entity as the representative of the disputed Territory. To contribute constructively to the Committee's work, his delegation had compiled all the contributions and suggestions made during the initial closed meeting for the Chair so that his informal document could reflect the sense of the Committee. Because the document was intended to bring unity, there was no mention of majority or minority. It was particularly important for the Special Committee on decolonization to work by consensus.

18. Representation of Western Sahara would continue to be a contentious issue in both the Special Committee and the Fourth Committee. His delegation looked to the Chair to guide the Committee towards a consensus.

Hearing of representatives of the Non-Self-Governing Territory

19. **The Chair** said that, with due respect for the different positions, which were reflected in the document, he had a duty to move on. He therefore invited the representative of the Non-Self-Governing Territory to address the Committee. In line with the Committee's usual practice, the representative would withdraw after making his statement.

20. **Mr. Boukhari** (Observer for the Frente Polisario) said that, in 1991, the Security Council had established the United Nations Mission for the Referendum in Western Sahara (MINURSO) to organize a referendum on self-determination, which Morocco had been obstructing ever since. Morocco's colonial occupation constituted a crime under international law and threatened regional peace and security. Despite the ongoing efforts of the Special Representative of the Secretary-General, the Personal Envoy of the Secretary-General and the Special Envoy of the African Union for Western Sahara, no progress had been made. Calling on the Committee to vigorously promote full decolonization in accordance with the resolutions of the General Assembly by which it was

bound, he once again urged it to organize a special session on Western Sahara and to send a visiting mission to the Territory without delay.

21. The Committee could deal only with the recognized representatives of dependent Territories or with administering Powers. The Frente Polisario was the sole representative of the people of Western Sahara under General Assembly resolution 34/37. Furthermore, Morocco was not an administering Power. It was a colonial Power working to impose its terms in an increasingly confrontational manner, as demonstrated by the recent audacious behaviour of the observer for Morocco during the previous meeting. Since the illegal annexation, Moroccan settlers had made the Sahrawi people a minority in their own land. All Moroccan political, administrative or electoral actions in that Territory were illegal and illegitimate and should not influence the Committee, which should be guided only by the relevant General Assembly resolutions, the advisory opinion of the International Court of Justice and the opinion of the United Nations Legal Counsel (S/2002/161). The Committee had been established to eradicate colonialism, not legitimate it, and it must not allow Morocco to make it complicit in a shameful colonialist adventure.

22. Morocco had personally affronted the Secretary-General and expelled the civilian staff of MINURSO. Despite Security Council resolution 2285 (2016), which emphasized the urgent need for MINURSO to return to full functionality and the importance of a fifth round of negotiations, it had not allowed the civilian staff to return, or resumed negotiations. Morocco was only playing for time, and the Security Council should not wait until 30 June to report to the Secretary-General. The Frente Polisario once again called on the Council to keep the Sahrawi people, the Moroccan people and the region from being sucked into a spiral of confrontation. In that connection, he thanked those Security Council members, including in particular the Bolivarian Republic of Venezuela, Uruguay, Angola, New Zealand and Russia, that had spared no effort to ensure that the Council shouldered its responsibilities.

23. For the Frente Polisario, MINURSO was a symbol of the international community's commitment to the peaceful decolonization of the last Non-Self-Governing Territory in Africa. The return of its staff was not an end in itself. The direct negotiations between the Frente Polisario and Morocco must be revived, and they must focus on implementing a fair and free referendum, which was the only democratic solution to any decolonization problem.

24. His people continued to be denied their right to self-determination as a result of a Moroccan act of aggression. The Frente Polisario had worked hand in hand with the United Nations and the African Union to find a democratic, peaceful and honourable way to end the stalemate that would benefit both peoples and the region as a whole. It remained committed to its vision of peace, which depended above all on the efforts of the United Nations. The plundering of Sahrawi natural resources and the threat to regional peace and security made resolving the dispute increasingly urgent. The Committee, most of whose members were former colonies, must not allow itself to be diverted from its purpose.

25. **The Chair** reminded the delegations that, under Committee rules, only Committee members would be recognized during the question-and-answer session. Observers might not raise points of order and should show respect for the Committee. The repeated incidents at previous Committee meetings were diplomatically deplorable. All parties had had an opportunity to address the Committee.

26. **Mr. Sevilla Borja** (Ecuador) said that he had listened with great interest to the statement of the representative of the people of Western Sahara, which had unfortunately been marred by noise and shouting from a certain delegation. Such conduct was a sad departure from its elegant and professional diplomacy in years past. It was appropriate in a street demonstration, not the august halls of the United Nations. Respect among nations was the very foundation of coexistence.

27. Regarding the invitation to the Committee to send a visiting mission to the Territory, he recalled that, in 1972, the General Assembly had sent a very successful visiting mission to the last remaining Portuguese colonies in Africa: Guinea-Bissau and Cape Verde. Although the situation was different, since Morocco was not an administering Power, the Committee would do well to consider such precedents and to give more serious consideration to the Frente Polisario's renewed invitation.

28. He asked the observer to elaborate on the status of the referendum.

29. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela), thanking the observer for his statement as the sole legitimate representative of the people of Western Sahara under General Assembly resolutions 34/37 and 35/19, called on the Committee to take urgent action on the long-deferred decolonization of Western Sahara. He hoped that the other parties to the conflict would emulate the conciliatory attitude of the representative of the Sahrawi people. He reiterated his Government's support for the activities of the Secretary-General and his Personal Envoy and for the work of MINURSO, which must be restored to full functionality promptly.

30. The defamatory language heard in the room during the representative's statement had no place in the Committee. It was deplorable example of meeting truth with insult.

31. **Mr. Boukhari** (Observer for the Frente Polisario) said that the referendum on self-determination had been the cornerstone of Security Council resolutions 658 (1990) and 690 (1991). Morocco having apparently agreed to self-determination in good faith, a voter list had been prepared under the supervision of the Secretary-General's Personal Envoy at the time, James Baker, who could hardly be accused of being anti-Moroccan. However, in 2004, Morocco had informed the Secretary-General that it would not cooperate with any referendum on independence, despite having agreed to the one called for in the United Nations settlement plan. Thus the recent assertion by the representative of Morocco that the United Nations had scuttled the referendum was hypocritical nonsense.

32. The Security Council was trying to revive the negotiations between the two parties to the dispute. A way must be found to allow the people of Western Sahara to exercise their right to self-determination. Morocco had declared sovereignty over the Territory; it refused to consider a referendum, and it had suspended direct negotiations in 2012. In March, it had put the final nail in the coffin by expelling MINURSO. Clearly, its intent was to block United Nations efforts to broker a peaceful solution, thereby undermining the credibility of the Organization and prolonging the injustice wrought on the peaceful Sahrawi people.

33. **Mr. Arancibia Fernández** (Plurinational State of Bolivia) said that, given the fundamental need for transparency in diplomatic dealings, he was grateful to the representative of the people of Western Sahara for his candid remarks. He thanked the Chair for his decision to hear the representative and agreed that the Committee should continue to do so.

34. **Mr. Rivera** (Cuba) said that his delegation was pleased that the Committee had finally been able to accomplish its task, despite the sensitivity of the subject.

The meeting rose at 12:40 p.m.

United Nations A/AC.109/2016/SR.6

General Assembly

Distr.: General
9 August 2016

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 6th meeting
Held at Headquarters, New York, on Monday, 20 June 2016, at 10 a.m.

Chair: Ms. Rodríguez Abascal ..... (Cuba)

Contents

Adoption of the agenda

Special Committee decision of 22 June 2015 concerning Puerto Rico

Requests for hearing

Hearing of representatives of the Non-Self-Governing Territory

Hearing of petitioners

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent as soon as possible to the Chief of the Documents Control Unit (srcorrections@un.org).

Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org/).

16-10263 (E)

Please recycle

The meeting was called to order at 10.30 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Special Committee decision of 22 June 2015 concerning Puerto Rico (A/AC.109/2016/L.13 and A/AC.109/2016/L.6)

Requests for hearing (Aide-memoire 03/16)

2. **The Chair** drew attention to aide-memoire 03/16 relating to the Special Committee decision of 22 June 2015 concerning Puerto Rico, which contained 57 requests for hearing. She took it that the Committee wished to accede to those requests.

3. *It was so decided.*

4. **The Chair** said that the delegations of Algeria, Angola, Argentina, Costa Rica, El Salvador, Ghana, Guatemala, Mexico, Morocco, Palau, Panama, Paraguay, Peru, Solomon Islands, South Africa, Spain, Sri Lanka Uruguay, the Holy See and the Sovereign Order of Malta had indicated their wish to participate in the Committee's consideration of the item as observers.

5. The Islamic Republic of Iran, on behalf of the Non-Aligned Movement, had also indicated its wish to participate in the Committee's consideration of the item.

6. **Mr. Maleki** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that the Movement continued to attach great importance to the issue of decolonization and believed that exercising the legitimate right to self-determination of people under colonialism, in accordance with the Charter of the United Nations, was of paramount importance. The Movement reiterated its full support for the activities of the Committee and called for an acceleration of the decolonization process.

7. Much remained to be done to achieve full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Movement therefore called on all Member States, the United Nations and relevant United Nations agencies to accelerate the process of decolonization and to support the effective implementation of the Plan of Action of the Third International Decade for the Eradication of Colonialism.

8. The Movement reaffirmed its position on the question of Puerto Rico, as contained in the final document of the sixteenth Summit Conference of Heads of State or Government of Non-Aligned Countries, held in Tehran in 2012, and the Movement's seventeenth Ministerial Conference.

9. The Committee had been considering the colonial question in Puerto Rico for more than 40 years and had adopted a total of 34 resolutions or decisions on that subject. The Movement welcomed the fact that, over the previous decade, the Committee had adopted its resolutions by consensus. It called on the Government of the United States to assume its responsibility to expedite a process that would allow the Puerto Rican people to fully exercise their right to self-determination, and urged it to return the occupied land and facilities of Vieques Island and the Roosevelt Roads Naval Station to the Puerto Rican people and to release the Puerto Rican political prisoner Oscar López Rivera.

10. The members of the Movement fully supported the work of the Committee and hoped that, as in previous years, the Committee would adopt by consensus another resolution on the question of Puerto Rico that took into account the Movement's position.

Hearing of representatives of the Non-Self-Governing Territory

11. **The Chair** said that, in line with the Committee's usual practice, representatives of Non-Self-Governing Territories would be invited to address the Committee and would withdraw after making their statements.

12. **Mr. García Padilla** (Governor, Commonwealth of Puerto Rico) said that, in accordance with the Charter of the United Nations, the United States had committed to developing self-government for Puerto Rico, taking due account of the political aspirations of the people. As recently as 2016, in the case of *Commonwealth of Puerto Rico v. Sánchez Valle*, the Supreme Court of the United States had reiterated that the Puerto Rican Constitution had created a new political entity, the Commonwealth of Puerto Rico, which was republican in form and subordinate to the sovereignty of the people of Puerto Rico. That appeared to be in contradiction with the recent actions of the United States Government, which violated the

bilateral pact governing Puerto Rico, the terms of which could not be altered without mutual consent. Such violations could be seen in the 2005 and 2011 reports by the President's Task Force on Puerto Rico's Status, as well as in the position adopted by the Solicitor General in the case of *Commonwealth of Puerto Rico v. Sánchez Valle*. Such actions revealed that, even though in 1952 the United States Congress had granted Puerto Rico a significant degree of self-governance, including autonomy over its internal affairs, Puerto Rico had never become a sovereign political entity.

13. As a result, the United States continued to view Puerto Rico as a territory that was subject to the full powers of the Congress of the United States. The position of the United States Government was incompatible with the statement that the political power of the people of Puerto Rico emanated from the people and should be exercised in accordance with their will as stated in the country's Constitution. The Solicitor General had therefore adopted a position that ran counter to the statements expressed previously by the Government of the United States before the United Nations in 1953. That ambivalent position had had serious consequences in terms of dealing with the fiscal emergency currently experienced by Puerto Rico.

14. His country had suffered a serious economic recession; as in other places, economic contraction had produced growing debt. In simple terms, the debt incurred by his Government was unpayable: it stemmed not from a temporary lack of liquidity, but general overindebtedness that could not be deferred and which threatened basic services. While his Government had hoped to deal with the problem internally, United States courts had closed off that option. Existing laws to protect debtors were insufficient, as Congress had excluded Puerto Rico from such protective measures in 1984. Instead, Congress had presented legislation designed to produce a debt restructuring mechanism based on negotiations with creditors and the elaboration of a debt adjustment plan. In order to continue providing basic health, security and education services to his population and mitigate a worsening humanitarian crisis, he had therefore been forced to support that legislation. However, the legislation had provoked a political crisis by establishing a financial oversight and management board that usurped the powers of Puerto Rico, consequently stripping his country of its political sovereignty as recognized by General Assembly resolution 748 (VIII).

15. Puerto Rico must have legislation that protected it from its creditors before 1 July 2016. If, as it seemed likely, the legislation adopted was that currently being considered by the United States Senate, then the notion of self-governance on which General Assembly resolution 748 (VIII) and the International Covenant on Civil and Political Rights were based would be violated.

16. Puerto Rico had believed that its relationship with the United States was based on political equality and sovereignty, as recognized by the Special Committee in its resolution of 12 September 1978. Regrettably, the recent actions of the United States seemed to indicate otherwise. The United States must not renege on the commitments that it had made in 1953. The Committee should therefore present the case of Puerto Rico before the General Assembly and the Third Committee in particular in order to implement the right to self-determination in accordance with the legal standards established by the Organization and applicable international law.

17. Puerto Rico was hungry for justice and demanded its rights under international law. The Organization should help to re-establish a relationship of equality and respect between Puerto Rico and the United States. His country called for the release of Oscar López Riviera, who had been imprisoned under inhumane conditions for over 30 years.

Hearing of petitioners

18. **The Chair** said that, in line with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements.

19. **Mr. Bimbela** (Colegio de Abogados de Puerto Rico) said that it was undeniable that Puerto Rico was a colony and the international community had been ineffective in condemning that situation. In *Commonwealth of Puerto Rico v. Sánchez Valle*, the Supreme Court of the United States had referred to his country as a mere "municipality" of one of the states, thus ruling that the ultimate power over all decisions on Puerto Rico lay with the United States Congress. Just four days later, *Commonwealth of Puerto Rico v. Franklin California Tax-Free Trust* had determined that chapter 9 of the United States Bankruptcy Code did not

apply to Puerto Rico, nor did it permit the country to present its own financial legislation on the matter. That subjugation to the laws of the United States was a clear example of colonialism, leaving Puerto Rico powerless to defend its own interests.

20. For many years, the United States had refused to participate in the work of the Special Committee, arguing that the question of Puerto Rico was a purely domestic affair and that the country had its own Government and political sovereignty thanks to a bilateral pact. For the first time in 118 years of colonialism, however, all three branches of the United States Government had admitted that Puerto Rico was a colony. The legislation establishing the financial oversight and management board was further proof of colonialism. The United States had therefore lied to the United Nations in 1953: there could not be a bilateral pact if one party unilaterally imposed laws regarding national borders, criminal offences, port access and even the price of milk. It was therefore morally imperative for the General Assembly to address the question of Puerto Rico with a view to establishing a free and fair process of self-determination.

21. The United States must exempt Puerto Rico from its coastal traffic laws. His organization called for the release of prisoner Oscar López Rivera. The United States must refrain from imposing the death penalty in Puerto Rico and must provide any and all relevant information regarding the assassinations of Carlos Muñiz Varela and Santiago Mari Pesquera. His organization condemned the despotic imposition of the financial oversight and management board. The Special Committee should call on the Government of the United States to take responsibility for accelerating the process of self-determination for Puerto Rico. It should also request the General Assembly to refer the case of Puerto Rico to the International Court of Justice in order to obtain an advisory opinion regarding the country's colonial status.

22. **Mr. Toledo López** (Movimiento Boricua ¡Ahora Es!) said that the Government of Puerto Rico continued to thwart the will of the Puerto Rican people as expressed in the 2012 referendum and endorsed by the Government of the United States, including in its 2014 budget for the island. His organization had filed complaints with the Puerto Rico Commission on Civil Rights and the United States Commission on Civil Rights. An amicus curiae brief contained in the case of *Commonwealth of Puerto Rico v. Sánchez Valle* had revealed that Puerto Rico lacked sovereignty with regard to the United States; the Governor of Puerto Rico had subsequently requested clarification from the United Nations concerning the island's political status and its relationship with the United States.

23. In the case of *Commonwealth of Puerto Rico v. Franklin California Tax-Free Trust*, it had also been determined that Puerto Rico could not implement its own bankruptcy laws to resolve its financial crisis, thus illustrating that the island did not have the power of self-governance. While the judiciary was attempting to resolve both cases, the United States continued to exercise full power over Puerto Rico and was currently considering draft legislation that, if adopted, would establish a financial oversight and management board to address the financial crisis, marking the third time in less than a year that Puerto Rico had been viewed and treated as a colony. The Committee should therefore advise the General Assembly to rescind resolution 748 (VIII) and reinstate Puerto Rico on the list of Non-Self-Governing Territories. In addition, the Secretary-General should respond to the letter sent by the Governor of Puerto Rico regarding the political relationship between the island and the United States.

24. **Mr. Huertas González** (Asociación Puertorriqueña de Historiadores) said that his organization stressed the importance of establishing a mechanism to achieve decolonization in Puerto Rico, based on international law and the free will of the Puerto Rican people to choose their political status democratically without the intervention of a foreign country. Since the invasion of Puerto Rico by the United States in 1898 and the passing of the Jones Law, the Federal Relations Act and other legislation, there had been no change in the colonial relationship. Since the end of the nineteenth century, Puerto Rico had been essential to the geostrategic interests of the United States, presenting a counter-example to the Cuban Revolution.

25. The United States Congress had refused to extend access to programmes such as Medicare or Medicaid for Puerto Ricans. Furthermore, Congress had supported the institution of a financial oversight and management board that would have power over elected authorities on the Territory. The conclusions drawn by the Solicitor General in the case of *Commonwealth of Puerto Rico v. Sánchez Valle* had likewise confirmed that Puerto Rico did not possess sovereignty.

26. Colonialism had impeded Puerto Rico's development, leading to high rates of emigration, debt and unemployment. In addition, Puerto Rico continued to suffer from repression, violence and the psychological effects of colonialism. Its colonial status had prevented it from joining various Caribbean and Latin American organizations and from participating in agreements, projects and arrangements that would allow it to emerge from its economic crisis. A decolonization mechanism must be set up to help Puerto Rico establish a status beyond external control. His organization also called for the release of Oscar López Riviera.

27. **Mr. Bermúdez Zenón** (Grupo por la Igualdad y la Justicia de Puerto Rico) said that the Territory had been colonized for the previous 118 years by a country that claimed to represent democracy and freedom around the world. During his election campaign, President Barack Obama had promised that the colonial problem of Puerto Rico would be addressed within his first year in office, a promise that everyone had known would not be fulfilled. The Commission created by President Obama had offended Puerto Rico once more by reducing it to being the object of financial speculation.

28. Ending its criminal blockade on Cuba, the United States was finally re-establishing diplomatic relations with that island and had even promised to return the illegally held naval base at Guantánamo. However, nothing had been said regarding Puerto Rico, a Territory from which the United States also had an obligation to remove its armed forces.

29. **Mr. Nenadich Deglan** (Estado Nacional Soberano de Borinken) said that his organization condemned the colonial situation of the National Sovereign State of Borinken and the illegal military occupation of that country by the United States since 1898. An application for membership to the United Nations had been submitted in July 2014. Although that application fulfilled the necessary requirements, no response had been received. In that regard, he called on the Special Committee to transmit that application to both the Security Council and the General Assembly.

30. The United States had no legal or legitimate rights over the National Sovereign State of Borinken and its people, and all actions taken by the imperial Power there were illegal. The National Sovereign State of Borinken would not continue to ask the United States to solve the colonial problem that it had created 118 years before, and requested that the Special Committee should assume its authority to take drastic steps with regard to decolonization. The nation should not have to wait another 30 or 40 years to have its due freedom.

31. To move towards decolonization, the Committee should transmit the application of the State of Borinken to become a State Member of the United Nations to the Security Council. If the Security Council refused to address that application, the Special Committee should submit a resolution to the General Assembly on the matter. If that resolution were to be rejected, the State of Borinken would petition to receive observer status.

32. In light of the widespread crisis and the political and economic collapse of the fictional Commonwealth, a product of the colonial system of the United States, the only viable option to achieve national liberation and economic recovery was for the National Sovereign State of Borinken to gain Member State status. His organization also called for the release of Oscar López Rivera and Ana Belén Montes.

33. **Mr. Sevillano** (Movimiento Independentista Nacional Hostosiano) said that Puerto Rico was bankrupt and in a state of economic crisis, which would have incalculable social repercussions. In 1952 the international community had been tricked into believing that Puerto Rico would have a degree of independence. In reality, it was merely a colony, as evidenced by the recent decision of the United States Government to impose a financial oversight and management board. The board would have greater authority over Puerto Rican affairs than the elected governor, the legislature or existing Puerto Rican laws, and its primary purpose was to ensure that investors made profits. Although the Puerto Rican Government owed $72 billion, that debt had been manufactured by the United States Government through economic exploitation; in fact, the United States owed a debt to Puerto Rico. Repairing the damage wrought by more than 60 years of bombing and military exercises on Vieques Island alone would cost more than $100 billion.

34. Oscar López Rivera had been imprisoned for 35 years after allegedly committing an offence by fighting for Puerto Rican independence, and he must be released immediately. Lastly, the Committee was requested to ensure that the case of Puerto Rico was

included on the agenda of the General Assembly so that it could be considered in the context of international law.

35. **Ms. Sanabria Dávila** (Comité de Puerto Rico en las Naciones Unidas) said that Puerto Rico's status as a colony had rendered it incapable of responding to the economic and fiscal crisis it faced, and had forced it to accept the imposed solution of a financial oversight and management board. The board, which would focus solely on making Puerto Rico repay its debt of approximately $70 billion, would achieve that by implementing measures that would merely worsen the existing social crisis. It was time for the Government of the United States to comply with the resolutions adopted by the Special Committee by expediting a process that would enable the Puerto Rican people to fully exercise their inalienable right to self-determination and independence in accordance with General Assembly resolution 1514 (XV). Furthermore, the Assembly should consider the question of Puerto Rico and decide on that issue. As part of that process, political prisoner Oscar López Rivera, symbol of both the brutal imperial domination to which Puerto Ricans had been subjected, and their resistance to it, must be released immediately. As a result of Puerto Rico's colonial status, the human rights of almost 9 million people were being violated every day. The people of Puerto Rico therefore called on the United Nations to take action to remedy the colonial status of their nation in accordance with the principles of General Assembly resolution 1514 (XV).

36. **Mr. Román Espada** (Coalición Puertorriqueña contra la Pena de Muerte) said that the death penalty was prohibited in Puerto Rico under its national Constitution, which reflected the unequivocal will of the people. Consequently, Puerto Rico was the only nation in the world whose constituents had rejected the death penalty, but where it existed anyway because the nation was subjected to United States law. That situation constituted a violation of fundamental human rights and the Charter of the United Nations, and undermined international peace and cooperation.

37. Like other actions taken by the United States Government, such as the imprisonment of Oscar López Rivera, the contamination of land on Vieques Island and the proposed financial oversight and management board, the imposition of the death penalty ran counter to General Assembly resolution 1514 (XV). Puerto Rican residents were liable to be extradited to the United States to face the death penalty without the consent of the Government of the Commonwealth, which was evidence of the lack of self-determination and sovereignty of the people of Puerto Rico. The Committee should refer the case of Puerto Rico to the General Assembly with a view to achieving self-determination and the end of colonialism, and should recommend the adoption of a resolution requiring a moratorium on the death penalty in Puerto Rico.

38. **Mr. Rosado** (ProLibertad Freedom Campaign) said that, since its invasion of Puerto Rico in 1898, the United States had committed repeated human rights violations against Puerto Ricans, including 60 years of bombing on Vieques Island, assassinations and the imprisonment of Oscar López Rivera and other Puerto Ricans, and the forced sterilization of Puerto Rican women.

39. The recent ruling in the case of *Commonwealth of Puerto Rico v. Sanchez Valle* had made it clear that Puerto Rico was a colony and the pending legislation establishing a financial oversight and management board was another glaring example of the oppression of Puerto Rico and its people. The financial oversight and management board would have the authority to approve or reject fiscal plans proposed by the Governor and legislature, and would increase unemployment and poverty in Puerto Rico by forcing the people to repay a debt that was not owed.

40. As a colonized people, Puerto Ricans were victims of racism, xenophobia and exploitation, and the United States Government had sought to eliminate their language, national identity and culture in direct violation of international human rights laws. When Puerto Ricans had risen up against those injustices they had been assassinated or incarcerated. One of those victims had been the Puerto Rican political prisoner Oscar López Rivera, a former community activist who had joined the Puerto Rican independence movement and confronted the United States Government, which had been his right under the Declaration on the Granting of Independence to Colonial Countries and Peoples. Arrested in 1981 as part of a witch-hunt waged by the United States, he had been subjected to various forms of torture in United States prisons in violation of the United Nations Standard Minimum Rules for the Treatment of Prisoners. In 1999, he had refused clemency under President Clinton in support of his co-defendants and in 2011 he had been denied

parole, even though activists, politicians and others all over the world had called for his release.

41. The United Nations should take immediate action to end the colonial occupation of Puerto Rico and secure the unconditional release of Oscar López Rivera, the longest held Puerto Rican political prisoner in history.

42. **Ms. Santiago** (Partido Independentista Puertorriqueño) said that, when it had been convenient for the United States, the Government had claimed that its relationship with Puerto Rico was based on a voluntary pact. However, in recent court rulings the United States had finally come clean about Puerto Rico's status as a colony. In the case of *Commonwealth of Puerto Rico v. Sánchez Valle* the Supreme Court had determined that Puerto Rico was a territory of the United States and that the original and ultimate source of power in Puerto Rico lay in the United States Congress. That colonial status was further evidenced by the proposal aggressively promoted by President Obama to impose a financial oversight and management board, which would give complete power over the nation to seven unelected officials.

43. The recent clarity with regard to Puerto Rico's status made the time ripe for a new discussion on its future as many Puerto Ricans who had accepted the "pact" in good faith were now calling for change. The draft resolution before the Committee reaffirmed the right of the Puerto Rican people to self-determination and independence, requested that the case should be referred to the General Assembly and called on the United States to fulfil its obligation to decolonize the nation and to release Oscar López Rivera. In addition, there should be dialogue between the United States Government and those seeking Puerto Rican independence, in accordance with General Assembly resolution 1514 (XV).

44. **Ms. Kennedy** (Socialist Workers Party) said that, for eight decades, the Socialist Workers Party had been fighting for the independence of Puerto Rico and for an end to its colonial domination by the United States. It also urged working people to join the campaign to demand the release of Oscar López Rivera.

45. Independence was vital if the people of Puerto Rico were to be in a position to freely determine their own future, but it was also in the interests of the vast majority of people in the United States. In response to the capitalist economic and social crisis, the Socialist Workers Party was establishing a working-class movement to defend working-class interests and eventually take political power. The time had come to do so, given that workers were angry about worsening conditions in the United States and around the world.

46. The people of Puerto Rico and workers in the United States had common interests, a common enemy and a common struggle, and the United States Government and the capitalist system that it defended were responsible for the deepening crisis in both the United States and Puerto Rico. The debt crisis in Puerto Rico was being used to benefit banks and bondholders while working people suffered.

47. Five million Puerto Ricans lived in the United States and tens of thousands more were being forced to migrate because of the crisis on the island. United States rulers had tried to convince the Puerto Rican people that they could not survive independently of the United States, but that was a lie. Cuba's socialist revolution was proof that workers and farmers could take political power away from the capitalist minority, win genuine independence and reorganize society in the interests of the vast majority. The Committee's condemnation of United States colonial rule over Puerto Rico would serve the interests of peoples everywhere who were fighting for self-determination and against oppression.

48. **Ms. Cruz Soto** (Mayor, Municipality of San Juan) said that the United States had been deceiving the people of Puerto Rico and the international community for 64 years but recent action taken by all three branches of the United States Government had shown the reality: Puerto Rico was in fact a United States colony. The imposition of a financial oversight and management board would silence Puerto Rico's few remaining vestiges of self-government and would strip the people of the most basic democratic powers.

49. Now that the United States had lost all credibility and the illusion had been uncovered, the United Nations should immediately reinstate Puerto Rico on its list of Non-Self-Governing Territories and the case of Puerto Rico should be referred to the General Assembly. The Committee should initiate a process of self-determination for Puerto Ricans, which should begin with the immediate release of Oscar López Rivera. The international community had an opportunity to act on the principles it preached and

assist the people of Puerto Rico in breaking free of their chains.

50. **Mr. Boyle** (International Human Rights Association of American Minorities), speaking also on behalf of the National Sovereign State of Borinken, said that, in the recent case of *Commonwealth of Puerto Rico v. Sánchez Valle*, the United States Supreme Court had classified Puerto Rico as a territory belonging to the United States. That definition made it entirely clear that the United States Government considered Puerto Rico a piece of property, with which it could do as it saw fit, regardless of the requirements of the Charter of the United Nations and international human rights law. The so-called "Commonwealth of Puerto Rico" was nothing more than a puppet Government established by the United States to disguise its illegal occupation of Puerto Rico since 1898, a fact further evidenced by the proposed debt rescheduling regime. He rejected the $73 billion debt, which had been imposed on Puerto Rico by imperialists, bankers and fraudsters.

51. In the case of *Commonwealth of Puerto Rico v. Franklin California Tax-Free Trust*, the Supreme Court had contradicted its decision made just a few days before in *Commonwealth of Puerto Rico v. Sánchez Valle* by approving the power of the United States Congress to arbitrarily redefine Puerto Rico as a state in order to deprive Puerto Ricans of United States bankruptcy protection, a decision that illustrated the United States Government's mercenary position. The National Sovereign State of Borinken, with the Non-Aligned Movement, requested the Committee to submit a draft resolution to the General Assembly in support of Puerto Rico's application for membership to the United Nations. Lastly, the Committee should meet with President Obama to demand the immediate release of Oscar López Rivera.

52. **Mr. Rivera** (Movimiento Amplio Soberanista de Puerto Rico) said that recent decisions across all three branches of the United States Government had made it clear that Puerto Rico was a United States colony. In *Commonwealth of Puerto Rico v. Sanchez Valle*, the United States Supreme Court had ruled that the ultimate source of prosecutorial power in Puerto Rico lay in the United States Congress. On the same day, the House of Representatives had approved the establishment of a financial oversight and management board that would have the power to override laws adopted by the Government of Puerto Rico even though none of the members of that board were to be appointed by Puerto Ricans.

53. Some of those appearing before the Committee would allege that the administering Power had lied to the international community in 1953. However, the United States had informed the Fourth Committee at that time that, under the Constitution of the United States, Congress had the power to declare the Puerto Rican Constitution null and void. Significantly, countries voting against General Assembly resolution 748 (VIII) or abstaining had outnumbered the votes in favour, which was an indication that Member States had not been taken in by the United States. Nevertheless, many had since turned their backs on Puerto Rico.

54. Although the Committee had limited authority to enforce implementation of General Assembly resolution 1514 (XV), future Committee resolutions could call on the General Assembly to seek an advisory opinion on the subject of Puerto Rico from the International Court of Justice, pursuant to Article 96, paragraph 1, of the Charter of the United Nations. The request for an advisory opinion could also ask whether it was acceptable in the twenty-first century for the United States to base its authority over the people of Puerto Rico on the Treaty of Paris of 1898, in light of developments in modern international law. His suggestion was reasonable in light of the advisory opinion of the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory of 9 July 2004.

55. **Ms. Machín Vásquez** (Fundación Yo Soy Boricua) said that a foreign imperialist Government was the cause of the devastating crisis that was affecting the people of Puerto Rico, and the invading Power had now decided to establish a financial oversight and management board, which was a further example of oppression and colonial dictatorship. The Boricua people had been saddled with debts of over $73 billion, repayment of which would have consequences such as greater poverty, the loss of the right to strike and a pay cut for young minimum-wage earners. The National Sovereign State of Borinken must be recognized as the sole legitimate Government of the island so that it could represent its own interests and declare the debt unpayable, which would force the United States to assume responsibility for it.

56. She requested the Committee to submit the application for membership from the National Sovereign State of Borinken to the General Assembly and the Security Council, and called on the United Nations to demand the immediate release of Oscar López Rivera and Ana Belén Montes.

57. **Ms. Ortiz Pagán** (Alianza Comunitaria de Borinken) said that she was deeply concerned at the high prevalence of mental illness in Puerto Rico (Borinken), which affected half the population and was directly attributable to the colonial status of the country. One factor that contributed to mental health was positive identification with one's family and country, yet young people in Puerto Rico did not learn about their true history because the school curriculum was decided by the colonizing Power.

58. Recent racist decisions by the United States Supreme Court had made clear that Puerto Rico was merely a piece of property to be exploited and discarded at will. Furthermore, the proposed financial oversight and management board would remove the few powers granted to the Commonwealth of Puerto Rico in 1952. If the country was to recover, the only option was for the National Sovereign State of Borinken to assume political leadership of the people. To that end, the National Sovereign State of Borinken should become a State Member of the United Nations. In addition, Oscar López Rivera and Ana Belén Montes should be released from prison.

59. **Mr. Rosselló** (New Progressive Party) said that the incorporation of Puerto Rico as the fifty-first State of the United States would give his people the same rights as citizens of that country. In January 2017, Puerto Rico would renew its calls for the Government of the United States to respect the results of the 2012 referendum, in which a majority of voters had rejected the current colonial status and had chosen statehood. In 2013, the Civil Rights Commission of Puerto Rico had ruled that a failure to abide by the people's decision to reject the current political status constituted a violation of their human and democratic rights. In addition, the proposed financial oversight and management board would limit democratic governance, while the United States Supreme Court had recently confirmed that Puerto Rico was indeed a colony in *Commonwealth of Puerto Rico v. Sanchez Valle*.

60. Referring to the commitment of the United Nations to defend human rights and eradicate colonialism, he requested that the General Assembly restore Puerto Rico to the list of Non-Self-Governing Territories by withdrawing resolution 748 (VIII). In addition, the United Nations should state its position regarding the decision of the Civil Rights Commission. A lack of action would only prove that the United Nations and the Committee were complicit in perpetuating colonialism and in the ongoing violation of the democratic and human rights of an entire people.

61. **Mr. Ortiz Avilés** (Juventud Boricua) said that his country had never ceded sovereignty to an imperial power and wished to exercise its right to self-determination. The United States had been attacking the Boricua nation since 1898 and had pursued a deliberate policy of genocide and systematic extermination. He supported the claim of the National Sovereign State of Borinken to a seat as a State Member of the United Nations and urged the Committee to speak out in favour of the immediate, unconditional release of Oscar López Rivera and Ana Belén Montes.

62. The award of the Congressional Gold Medal to the sixty-fifth infantry regiment was further evidence of colonialism and, while respecting the Boricuas who had fought for the United States, he condemned United States imperialist policies. President Obama had recently said that it was time for Puerto Rico to chart a new course and make a fresh start. For Puerto Rico, that meant reclaiming its sovereignty.

63. His organization was determined to overcome the lack of visibility suffered by young Boricuas. Most of the victims of the Orlando massacre had been Boricuas aged between 20 and 40 years who had been driven from their homeland by the crisis. Juventud Boricua, the National Sovereign State of Borinken and its provisional Government extended their deepest condolences to the families of the victims.

64. **Mr. Castillo Ayala** (Coordinadora de Solidaridad Diáspora Boricua) said that no progress had been made towards achieving decolonization and liberation for the people of Puerto Rico despite 70 years of lobbying in the United Nations and the adoption of 34 resolutions by the Committee recognizing their right to self-determination. Puerto Rico was in the grip of a devastating crisis that threatened its very survival and had resulted in mass emigration. With no sovereign authority, the colonial Government was incapable of resolving the worsening crisis, which had left the

country at the mercy of vulture funds whose interests were protected by the United States.

65. Given the urgency of the situation, the Committee must implement General Assembly resolution 1514 (XV) and the other resolutions adopted during the first two Decades for the Eradication of Colonialism. Otherwise, his country risked becoming a "Caribbean Monaco" that existed purely for the benefit of foreign millionaires.

66. **Ms. Nevares Ramos** (Coordinadora Mexicana de Apoyo al Estado Nacional Soberano de Borinken) said that the National Sovereign State of Borinken should be recognized as a full State Member of the United Nations. To that end, the Committee should submit its application for membership to the General Assembly, accompanied by a resolution requesting that the process should begin as soon as possible. Such action would also continue the efforts of Vicente Lombardo, the founder of the Confederation of Latin American Workers, who had campaigned for the independence of Puerto Rico, and of Cuban and Boricua freedom fighters.

67. The people of the National Sovereign State of Borinken had an inalienable right to freedom, sovereignty and self-determination as the successors to the Taíno people, who had never ceded their sovereignty to Spain. The cession of Puerto Rico to the United States was therefore null and void. With so many characteristics of a nation, the only reason Borinken was not a State was that its sovereignty had been usurped by the United States. Furthermore, Puerto Rico had been crippled by a debt burden of $73 billion.

68. In declaring the Commonwealth of Puerto Rico to be sovereign in 1953, the United States had lied to the United Nations, and recent judicial decisions in the United States had recognized the colonial status of Puerto Rico. If moral and political imperatives were followed, and United Nations principles as set out in General Assembly resolution 1514 (XV) were strictly applied, the 17 territories suffering from disguised slavery should be liberated with immediate effect.

69. **Mr. Umpierre Mellado** (Acción Soberanista) said that he had invited the Committee to visit Puerto Rico two years previously, but it had not done so. He hoped that the United States had not withheld permission.

70. Every aspect of life in his country was governed by United States laws. In 1953, the United States Government had said that Puerto Rico should be removed from the list of Non-Self-Governing Territories because of its sovereignty over fiscal and judicial matters; however, both concessions had been swiftly withdrawn by Congress and the Supreme Court. Puerto Rico had no sovereignty; if it did, it would be a State Member of the United Nations. Instead, it had a single opportunity every year to present its case to the world.

71. Although the Committee had repeatedly expressed its support for his people's right to self-determination, the General Assembly had taken no action. With the greatest respect, he could only assume that complicity was the reason. The peoples of the world had declared their desire to eliminate colonialism in the twentieth century yet virtually nothing had changed in his country since 1898. An inter-agency report requested by the President of the United States had acknowledged that Puerto Rico could be ceded to another country, which demonstrated that it was indeed a colony. The General Assembly must recognize its colonial status.

72. **Mr. Rivera** (Cuba), referring to the proposal made by the Partido Independentista Puertorriqueño, said that the Chair should use his good offices to promote dialogue between the Government of the United States and Puerto Rico.

The meeting rose at 1 p.m.